

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

IN RE:)
) CASE NO. 10-25548-JRS
MARK ANTHONY RIGOLETTI)
ELISE RIGOLETTI,) CHAPTER 13
)
Debtors.)

APPLICATION FOR COMPENSATION

COMES NOW BERRY & ASSOCIATES, counsel of record for Debtors in the above-styled Chapter 13 case, and moves for an order allowing for additional attorney fees to be paid to Counsel for Debtor (“Counsel”).

1.

This application is made pursuant to the order of confirmation, General Order No. 6-2006, 11 U.S.C. §§ 330 and 503, Rules of Bankruptcy Procedure 2002(a)(6) [the amount requested does not exceed \$1,000.00], and Paragraph 4(b) of Debtors’ confirmed plan.

2.

Prior to this filing of the instant case, Counsel and Debtors have entered into a contract setting forth the non-base attorney fee being sought herein. Pursuant to Paragraph 4(b) of the Chapter 13 Plan confirmed in this case on August 1, 2011, Counsel is entitled to additional compensation, over and above the base fee of \$4,350.00, for specific services agreed to by Debtors and rendered on behalf of Debtors, as listed in Paragraph 7 of Debtors’ “Disclosure of Compensation- Rule 2016(b) (Disclosure Statement) filed in this case.

3.

No agreement has been made directly or indirectly, and no other understanding exists for division of fees between the attorney for Debtors and any other person, firm or corporation.

4.

The basis of this application is that Counsel has obtained an order resolving a post confirmation Motion to Dismiss; therefore, Counsel is applying for the agreed upon fee of \$250.00 for this service. Specifically the following post-confirmation services have been performed by Counsel for Debtors at Debtors' request: received and reviewed motion; consulted with Debtors advising of motion with instructions to Debtors; successfully negotiated a settlement/obtained an order on the motion; attended hearing on motion; reviewed order on motion; consulted with Debtors regarding outcome.

5.

Counsel respectfully request that the additional fees stated above be approved and paid to Counsel in accordance with the Debtors' confirmed plan.

WHEREFORE, Counsel prays:

- (a) That this Application be filed, read, and considered;
- (b) That this Honorable Court grant this Application; and,
- (c) That this Honorable Court grant such further relief as it may deem just and proper.

Respectfully submitted,

/s/

Susan H. Shiptenko
GA Bar No. 374402
Attorney for Debtor
BERRY AND ASSOCIATES
2751 Buford Hwy, Suite 400

Atlanta, GA 30324
(404) 235-3300
susan@mattberry.com

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

IN RE:)
) CASE NO. 10-25548-JRS
MARK ANTHONY RIGOLETTI)
ELISE RIGOLETTI,) CHAPTER 13
)
Debtors.)

NOTICE OF ASSIGNMENT OF HEARING

PLEASE TAKE NOTICE that Counsel for the above referenced Debtors have filed an Application for Compensation (“Application”) and related papers with the Court seeking an order on the Application.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion in Courtroom **103**, United States Courthouse, 121 Spring Street, S.E., Gainesville, Georgia, on **December 17, 2014 at 10:45 a.m.**

Your rights may be affected by the court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U. S. Bankruptcy Court, Suite 120, 121 Spring Street, S.E., Gainesville, Georgia 30501. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: November 3, 2014

/s/
Susan H. Shiptenko
GA Bar No. 374402
Attorney for the Debtor
BERRY & ASSOCIATES
2751 Buford Highway, Suite 400
Atlanta, GA 30324
(404) 235-3300

CERTIFICATE OF SERVICE

This is to certify under penalty of perjury that I am over the age of 18 and that on this day I served the following parties with a copy of the attached pleadings by placing true copies of same in the United States Mail with adequate postage affixed to insure delivery, addressed to:

Nancy J. Whaley
Chapter 13 Trustee
303 Peachtree Center Avenue
Suite 120
Atlanta, GA 30303

Office of US Trustee
75 Spring Street SW
Suite 362
Atlanta, GA 30303

Mark and Elise Rigoletti
1255 Smithdale Rd.
Cumming, GA 30040

(Plus to all Creditors on the attached Creditor Mailing Matrix)

This the 3rd day of November, 2014.

/s/
Susan H. Shiptenko
GA Bar No. 374402
Attorney for the Debtor

BERRY & ASSOCIATES
2751 Buford Highway, Suite 400
Atlanta, GA 30324
(404) 235-3300

Label Matrix for local noticing
113E-2
Case 10-25548-jrs
Northern District of Georgia
Gainesville
Fri Oct 31 10:34:55 EDT 2014

Pharia, L.L.C.
c/o Weinstein & Riley, P.S.
2001 Western Ave., Ste. 400
Seattle, WA 98121-3132

Wells Fargo Bank NA
1 Home Campus
MAC X2303-01A
Des Moines, IA 50328-0001

Wells Fargo Bank, N.A.
3476 Stateview Boulevard
MAC#035; X7801-01
Fort Mill, SC 29715-7203

Wells Fargo Home Mortgage it successor or as
3476 Stateview Blvd.
Fort Mill, SC 29715-7203

American Express*
c/o Becket and Lee LLP
PO Box 3001
Malvern, PA 19355-0701

American InfoSource LP as agent for WFNNB
as assignee of
Roamans
PO Box 248872
Oklahoma City, OK 73124-8872

Amex
P.O. Box 981537
El Paso, TX 79998-1537

Bank Of America
Po Box 17054
Wilmington, DE 19850-7054

Barclays Bank Delaware
P.O. B 8803
Wilmington, DE 19899-8803

Barclays Bank Delaware*
Attention: Customer Support Department
PO Box 8833
Wilmington, DE 19899-8833

Chase
P.O. Box 15298
Wilmington, DE 19850-5298

(p)CITIBANK
PO BOX 790034
ST LOUIS MO 63179-0034

Chld/cbsd
Po Box 6497
Sioux Falls, SD 57117-6497

Citi
Po Box 6241
Sioux Falls, SD 57117-6241

Citimortgage Inc
Po Box 9438
Gaithersburg, MD 20898-9438

Collectron Of Atlanta
Po Box 82269
Conyers, GA 30013-9433

(p)DELL FINANCIAL SERVICES
P O BOX 81577
AUSTIN TX 78708-1577

Discover Bank
Dfs Services LLC
PO Box 3025
New Albany, OH 43054-3025

Discover Fin Svcs Llc
Pob 15316
Wilmington, DE 19850-5316

Discover Fin*
PO Box 6103
Carol Stream, IL 60197-6103

Dsnb Macys
9111 Duke Blvd
Mason, OH 45040-8999

E*trade Credit Card
671 N Glebe Road
Arlington, VA 22203-2120

FIA Card Services, NA
Frederick J Hanna & Associates
1427 Roswell Road
Marietta, GA 30062-3668

Fia Card Services, NA As Successor In Intere
Bank of America NA and Mbn America Bank
1000 Samoset Drive
DE5-023-03-03
Newark, DE 19713-6000

First Usa Bank
800 Brooksedge Blvd
Westerville, OH 43081-2822

GE Mongram Bank / JC Penney Dc*
Attn: Bankruptcy
PO Box 103126
Roswell, GA, 30076

Gemb/jc Penney Dc
Po Box 981402
El Paso, TX 79998-1402

Gemb/qvc
Po Box 971402
El Paso, TX 79997-1402

(p)GEORGIA DEPARTMENT OF REVENUE
COMPLIANCE DIVISION
ARCS BANKRUPTCY
1800 CENTURY BLVD NE SUITE 9100
ATLANTA GA 30345-3202

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Lvnv Funding Llc
Po Box 740281
Houston, TX 77274-0281

Macy's/fdsb*
Attn: Bankruptcy
PO Box 8053
Mason, OH 45040-8053

Prin Res Mtg*
Attn: Bankruptcy
4303 Fleur Drive
Des Moines, IA 50321-2327

Principal Residentl Mt
711 High
Des Moines, IA 50309

Sears/cbsd
133200 Smith Rd
Cleveland, OH 44130

Sears/cbsd
Po Box 6189
Sioux Falls, SD 57117-6189

Sears/cbsd*
Citicard Credit Srvs/Centralized Bankrup
PO Box 20507
Kansas City, MO 64195-0507

Somerset Hills Bank
155 Morristown Rd
Bernardsville, NJ 07924-2606

Sovereign Bank
1130 Berkshire Blvd 3rd Floor
Wyomissing, PA 19610-1242

U. S. Attorney
600 Richard B. Russell Bldg.
75 Spring Street, SW
Atlanta GA 30303-3315

Visdsnb
9111 Duke Blvd
Mason, OH 45040-8999

Visdsnb*
Attn: Bankruptcy
PO Box 8053
Mason, OH 45040-8053

(p)WACHOVIA BANK NA
MAC X2303-01A
1 HOME CAMPUS
1ST FLOOR
DES MOINES IA 50328-0001

Web Bank/dfs
One Dell Way
Round Rock, TX 78682-7000

Wells Fargo
PO Box 660455
Dallas, TX 75266-0455

Wells Fargo
PO Box 96074
Charlotte, NC 28296-0074

Wells Fargo Bank, N.A.
Attention Bankruptcy Department
MAC: X7801-014
3476 Stateview Blvd
Fort Mill, South Carolina 29715-7203

Wells Fargo Bank, NA
Home Equity Group
PO Box 13765 R4057-01P
Roanoke, VA 24037-3765

Wells Fargo Hm Mortgag
7255 Baymeadows Wa
Jacksonville, FL 32256-6851

Wfnnb/dress Barn
Po Box 182273
Columbus, OH 43218-2273

Wfnnb/dress Barn*
PO Box 182686
Columbus, OH 43218-2686

Wfnnb/roamans
8035 Quivira Rd
Lenexa, KS 66215-2746

Wfnnb/woman*
PO Box 182273
Columbus, OH 43218-2273

Wfnnb/woman/within
4590 E Broad St
Columbus, OH 43213-1301

Zwicker & Associates, PC
Three Oaks Office Park
965 Oakland Road, Ste 3-D
Lawrenceville, GA 30044-3758

Chad R. Simon
Berry & Associates
Suite 400
2751 Buford Highway
Atlanta, GA 30324-5456

Elise A. Rigoletti
1255 Smithdale Road
Cumming, GA 30040-4490

Mark Anthony Rigoletti
1255 Smithdale Road
Cumming, GA 30040-4490

Matthew Thomas Berry
Law Office of Matthew T. Berry
Suite 400
2751 Buford Highway
Atlanta, GA 30324-5456

Ryan Starks
Berry and Associates
Suite 400
2751 Buford Hwy
Atlanta, GA 30324-5456

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Childrens Place*
Attn.: Centralized Bankruptcy
PO Box 20507
Kansas City, MO, 64195

Dell Financial Services*
Attn: Bankruptcy Dept.
PO Box 81577
Austin, TX, 78708

Georgia Department of Revenue
Bankruptcy Section
P.O. Box 161108
Atlanta, GA 30321

Wachov/ftu
Po Box 3117
Winston Salem, NC 27102

(d)Wachov/ftu*
Attn: Bankruptcy
PO Box 13765
Roanoke, VA, 24037

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Pharia, L.L.C.
c/o Weinstein & Riley, P.S.
2001 Western Ave., Ste. 400
Seattle, WA 98121-3132

(d)Nancy J. Whaley
Nancy J. Whaley, 13 Trustee
Suite 120
303 Peachtree Center Avenue
Atlanta, GA 30303-1286

End of Label Matrix	
Mailable recipients	61
Bypassed recipients	2
Total	63